

**MAYOR AND CITY COUNCIL
SEAT PLEASANT, MARYLAND**

Ordinance No.: O-17-10

Introduced by: City Council

Date Introduced: November 7, 2016

First Reading: November 7, 2016

Second Reading: November 14, 2016

Amendments Passed (if applicable):

Date Passed: November 14, 2016

Date Effective: December 12, 2016

AN ORDINANCE concerning

**THE AMENDMENT AND SUPPLEMENTING OF ORDINANCE O-17-04
(REGARDING GENERAL OBLIGATION BORROWINGS FOR THE PURPOSE
OF FINANCING, REIMBURSING OR REFINANCING COSTS
OF IMPROVEMENTS TO THE EXISTING CITY HALL AND PUBLIC WORKS
FACILITY) IN ORDER TO MODIFY THE PROJECT DEFINITION AND TO
PROVIDE FOR ADDITIONAL MODIFICATIONS TO SUCH DEFINITION**

FOR the purpose of amending and supplementing Ordinance O-17-04, passed by the Council of The City of Seat Pleasant (the “City”) on October 3, 2016, approved by the Mayor of the City on October 3, 2016 and effective on October 24, 2016 (the “Original Ordinance”) in order to identify the newly assigned street address of the location of the Public Works facility building identified therein; providing that any additional modifications to components of the Project (as identified herein) made outside the control of the City shall be deemed to automatically modify the definition of the Project; providing for the effectiveness of the amendments and supplements provided for by this Ordinance; providing that the provisions of this Ordinance shall be liberally construed; and otherwise generally relating to the definition of the Project contained in the Original Ordinance.

RECITALS

WHEREAS, The City of Seat Pleasant, a municipal corporation of the State of Maryland and a municipality within the meaning of the Enabling Act identified below

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(the “City”), is authorized and empowered by Sections 19-301 to 19-309, inclusive, of the Local Government Article of the Annotated Code of Maryland (previously codified as Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland), as replaced, supplemented or amended (the “Enabling Act”), Sections C-817 and C-818 of the Charter of the City of Seat Pleasant, as replaced, supplemented or amended, and certain other statutory authority, to borrow money for any proper public purpose, and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other evidences of indebtedness, including for interim financing or refinancing purposes; and

WHEREAS, the Council of the City (the “Council”) passed Ordinance O-17-04 (the “Original Ordinance”) on October 3, 2016, the Mayor of the City approved the Original Ordinance on October 3, 2016, and the Original Ordinance became effective on October 24, 2016; and

WHEREAS, the Recitals to the Original Ordinance provide that the City has determined to undertake the renovation, expansion and improvement of the existing City Hall and Public Works facility buildings located on the property known as 6301 Addison Road, Seat Pleasant, Maryland, and, in connection therewith, to acquire or pay for, as applicable, necessary property rights and equipment, related site and utility improvements (including, without limitation, paving, repaving, sidewalk, curb, gutter, water, sewer, drain and landscaping improvements), related architectural, planning, design, feasibility, engineering, bidding, permitting, demolition, removal, acquisition, construction, construction management, reconstruction, renovation, rehabilitation, expansion, improvement, installation and equipping expenses, costs of additional activities related to any of the foregoing, and costs of issuance of any borrowing therefor, and, if the Council of the City (the “Council”) so determines by resolution, paying interest during construction and for a reasonable period thereafter (collectively, the “Original Project”), and to borrow money for the public purpose of financing, reimbursing or refinancing costs of the Original Project; and

WHEREAS, the Recitals to the Original Ordinance further provide that the United States of America, acting through the United States Department of Agriculture, or any related department, division, agency or instrumentality (any such entity, “USDA”), had preliminarily indicated that it can loan the City up to \$4,100,000.00 for Original Project costs; and

WHEREAS, the Original Ordinance authorizes the City to issue and sell in one or more series from time to time its (i) (A) general obligation bonds and (B) its general obligation bond anticipation notes, each in an aggregate principal amount not to exceed \$4,100,000.00 in order to finance or reimburse the costs of any one or more activities comprising the Original Project, and (ii) general obligation refunding bonds in order to refund any bonds issued pursuant to the authority of the Original Ordinance; and

WHEREAS, since the passage of the Original Ordinance, The Maryland-National Capital Park and Planning Commission has assigned a new street address of 108 69th Street, Seat Pleasant, Maryland to the property on which the existing Public Works facility building is located; and

WHEREAS, the Council desires to amend and supplement the Original Ordinance to acknowledge the new street address of a component of the Original Project, and to make accommodations for any future changes in the description of components of the Project (as identified herein) that are made outside of the City's control.

SECTION 1. BE IT ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that:

(a) The Recitals to this Ordinance are deemed a substantive part of this Ordinance and are incorporated by reference herein. Capitalized terms used in the Sections of this Ordinance and not defined herein shall have the meanings given to such terms in the Recitals.

(b) References in this Ordinance to any official by title shall be deemed to refer (i) to any official authorized under the Charter, the code of ordinances of the City (the "City Code") or other applicable law or authority to act in such titled official's stead during the absence or disability of such titled official, (ii) to any person who has been elected, appointed or designated to fill such position in an acting capacity under the Charter, the City Code or other applicable law or authority, (iii) to any person who serves in a "Deputy", "Associate" or "Assistant" capacity as such an official, provided that the applicable responsibilities, rights or duties referred to herein have been delegated to such deputy, associate or assistant official in accordance with the Charter, the City Code or other applicable law or authority, and/or (iv) to the extent an identified official commonly uses another title not provided for in the Charter or the City Code, the official, however known, who is charged under the Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights or duties referred to herein.

SECTION 2. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that:

(a) From and after the effective date of this Ordinance, the second WHEREAS clause in the Recitals to the Original Ordinance (which contains the definition of the Project as used in the Original Ordinance) is hereby deleted in its entirety and inserted in place thereof shall be the following:

"WHEREAS, the City has determined to undertake the renovation, expansion and improvement of (i) the existing City Hall building located on the property known as 6301 Addison Road, Seat Pleasant, Maryland and (ii) the existing Public Works facility building located on the property known as 108 69th Street, Seat Pleasant, Maryland, Ordinance O-17-10 Amending and Supplementing Ordinance O-17-04 to Modify the Definition of the Project Contained Therein and to Provide for Potential Future Modifications to Such Definition

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and, in connection therewith, to acquire or pay for, as applicable, necessary property rights and equipment, related site and utility improvements (including, without limitation, paving, repaving, sidewalk, curb, gutter, water, sewer, drain and landscaping improvements), related architectural, planning, design, feasibility, engineering, bidding, permitting, demolition, removal, acquisition, construction, construction management, reconstruction, renovation, rehabilitation, expansion, improvement, installation and equipping expenses, costs of additional activities related to any of the foregoing, and costs of issuance of any borrowing therefor, and, if the Council of the City (the "Council") so determines by resolution, paying interest during construction and for a reasonable period thereafter (collectively, the "Project"), and has determined to borrow money for the public purpose of financing, reimbursing or refinancing costs of the Project; and"

(b) From and after the effective date of this Ordinance, Section 2 of the Original Ordinance is hereby deleted in its entirety and inserted in place thereof shall be the following:

"SECTION 2. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that pursuant to the authority of the Enabling Act, Sections C-817 and C-818 of the Charter and any other applicable law, the City hereby determines to borrow money and incur indebtedness for the public purpose of financing, reimbursing or refinancing all or a portion of the cost of any one or more activities comprising the Project. References in this Ordinance to the Project shall be deemed to include any modifications in the components of the Project made by the Council in accordance with applicable budgetary or other law. In addition, any modifications to the components of the Project made outside of the control of the City (including, but not limited to, street address changes) shall be deemed to automatically modify the definition of the Project, without further action of the Council. It is the intention of the Council that by enactment of this Ordinance, the City shall be authorized to apply proceeds of the Bonds (as defined in Section 3 hereof) or the BANs (as defined in Section 7 hereof) to costs of the Project, as any components of the Project may be so modified, and, to the extent applicable, as authorized by USDA. The total cost of the Project not otherwise payable from other sources is not expected to exceed Four Million One Hundred Thousand Dollars (\$4,100,000.00). Proceeds of the Bonds may be applied to prepay or pay principal, premium and/or interest on any BANs issued by the City for the Project, and any such expenditure shall be deemed the payment of costs of the Project for purposes of this Ordinance."

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(c) By undertaking the amendments to the Original Ordinance provided for in subsections (a) and (b) of this Section 2, the City is (i) clarifying the locations of the Project due to the assignment of a new street address to the property on which one of the components of the Project is located and (ii) providing that future modifications to the description of the Project that are made outside the control of the City shall not require the Council to further amend and supplement the Original Ordinance.

(d) From and after the effective date of this Ordinance, all references to the Project contained in the Original Ordinance shall be deemed to be references to (i) the revised definition of the Project provided for in subsection (a) of this Section 2 and (ii) any additional modifications to the description of the Project provided for in subsection (b) of this Section 2, which subsections (a) and (b) of this Section 2 contain amendments to the Original Ordinance. From and after the effective date of this Ordinance, the provisions of this Section 2 shall supersede any contrary provisions of the Original Ordinance with respect to the definition of the Project.

SECTION 3. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that from and after the effective date of this Ordinance, the Original Ordinance shall be deemed amended and supplemented as provided herein, and all other terms and provisions of the Original Ordinance shall remain in full force and effect.

SECTION 4. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that the title of this Ordinance is deemed to be a fair summary of this Ordinance for publication and all other purposes; provided that, the City may make any required publications with respect to this Ordinance in any form that otherwise satisfies Charter or other applicable requirements.

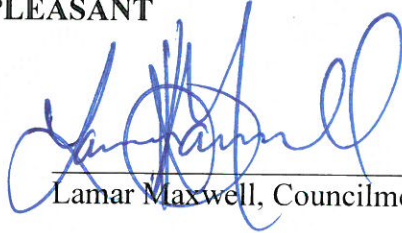
SECTION 5. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that the provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated by this Ordinance.

SECTION 6. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that, having been approved by the favorable vote of at least a majority of the members of the Council present and voting at a meeting at which a quorum was present, the City Clerk shall cause a fair summary of this Ordinance to be published as required by Section C-311 of the Charter; and that this Ordinance shall become effective at the expiration of twenty calendar days following approval by the Mayor or passage by the Council after the Mayor's veto.

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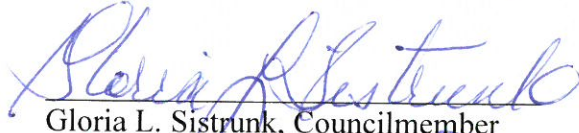
COUNCIL OF THE CITY OF SEAT PLEASANT


Charl Jones, Councilmember

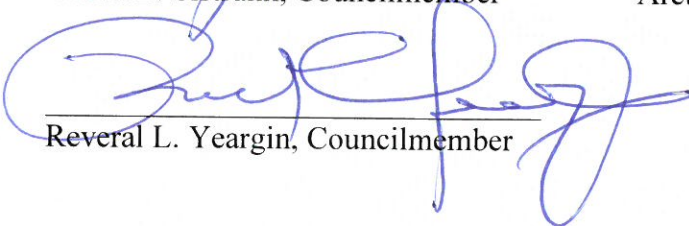

Lamar Maxwell, Councilmember


Shireka McCarthy, Councilmember


Kelly Porter, Councilmember


Gloria L. Sistrunk, Councilmember

Aretha A. Stephenson, Councilmember

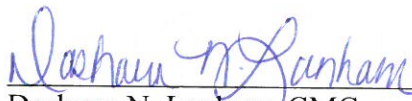

Reveral L. Yeargin, Councilmember

ATTEST:


Dashaun N. Lanham, CMC
City Clerk

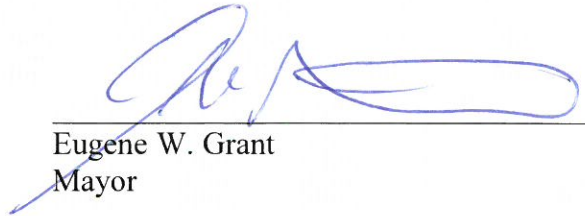


This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section C-313 of the Charter of the City of Seat Pleasant this
15th day of November, 2016


Dashaun N. Lanham, CMC
City Clerk

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In accordance with Section C-313 of the Charter of the City of Seat Pleasant, I hereby Approve or Disapprove this Ordinance this 15th day of November, 2016



Eugene W. Grant
Mayor

EXPLANATION

Underlining indicates amendments to Ordinance

~~Strike Out~~ indicates matter stricken from the Ordinance by amendment